

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

EVE STORM,
Plaintiff,

v.

O'REILLY AUTO ENTERPRISES,
LLC, et al.,
Defendants.

Case No. 5:23-cv-00597-FLA (MARx)
Case No. 5:23-cv-01623-FLA (MARx)

**ORDER TO SHOW CAUSE WHY
THE COURT SHOULD NOT
CONSOLIDATE RELATED
ACTIONS**

GARY CULL,
Plaintiff,

v.

O'REILLY AUTO ENTERPRISES,
LLC, et al.,
Defendants.

1 On April 5, 2023, Plaintiff Eve Storm (“Storm”) filed a class action against
2 Defendants O’Reilly Auto Enterprises, LLC (“O’Reilly”) and Express Services, Inc.
3 (“Express Services”), asserting, *inter alia*, claims under the California Labor Code
4 related to Defendants’ alleged failure to compensate Storm and all class members for
5 time spent in security before entering their work areas and clocking in for purposes of
6 payroll. Case No. 5:23-cv-00597-FLA (MARx) (“Case 23-597”), Dkt. 1, ¶ 22.

7 On June 12, 2023, Plaintiff Gary Cull (“Cull”) filed a class action against
8 O’Reilly in the Riverside County Superior Court, asserting, *inter alia*, claims under the
9 California Labor Code related to Defendants’ alleged failure to compensate Cull and
10 all class members for time spent in security before entering their work areas and
11 clocking in for purposes of payroll. Case No. 5:23-cv-01623-FLA (MARx) (“Case
12 23-1623”), Dkt. 1-2, ¶ 21. Defendant O’Reilly removed Case 23-1623 to this district
13 court on August 11, 2023. *Id.*, Dkt. 1.

14 On August 23, 2022, Case 23-1623 was related to Case 23-597 and transferred
15 to this court. Plaintiffs in the two actions seek to represent overlapping classes of
16 employees. *Compare* Case 23-597, Dkt. 1, ¶ 12 *with* Case 23-1623, Dkt. 1-2, ¶ 11.
17 Additionally, Plaintiffs and O’Reilly are each respectively represented by the same
18 attorneys in the two actions.

19 Accordingly, the court ORDERS the parties to show cause (“OSC”) in writing,
20 by September 8, 2023, why the two actions should not be consolidated with Case 23-
21 597 designated the lead case. Failure to respond timely will be deemed consent to
22 consolidation.

23
24 IT IS SO ORDERED.

25
26 Dated: August 25, 2023



27 FERNANDO L. AENLLE-ROCHA
28 United States District Judge